

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America, et al.,

Plaintiff(s),

vs.

City of Cincinnati Solicitors Office, et al.,

Defendant(s).

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Case Number: 1:12cv479

Chief Judge Susan J. Dlott

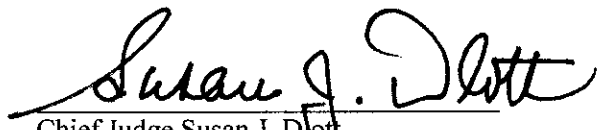
ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on July 11, 2012 (Doc. 5), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired July 30, 2012, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's complaint under the False Claim Act is **DISMISSED** with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B). Plaintiff is allowed to proceed on a claim of retaliation under 42 U.S.C. §1983 against defendant Zucker, but that claim will be unsealed so that it can be consolidated with and considered party of the related case filed by plaintiff against Zucker and others in Case No. 1:11cv830 (Spiegel, J; Bowman, MJ).

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this Order adopting the Report and Recommendation dismissing plaintiff's FCA claims will not be taken in good faith, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglewsorth*, 114F.3d 601 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

  
Chief Judge Susan J. Dlott  
United States District Court